

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:06-CR-00364-RJC

USA

v.

MARTINEZ ORLANDIS BLACK

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ORDER

**THIS MATTER** is before the Court upon the defendant's request for retroactive designation to make his federal sentence concurrent with a subsequent state sentence. (Doc. No. 24).

The Court sentenced the defendant for a violation of 18 U.S.C. § 922(g)(1) on August 28, 2007, while a state murder charge was pending. (Doc. No. 21: Sent. Hr'g Tr. at 21). Although a federal court has discretion to announce whether its sentence will be served concurrently with or consecutively to an anticipated state sentence, Setser v. United States, 132 S. Ct. 1463, 1468 (2012), that issue was not addressed in the sentencing proceedings before this Court, and the defendant has not shown any authority to alter the final Judgment.

**IT IS, THEREFORE, ORDERED** that the defendant's request for retroactive designation to a concurrent sentence, (Doc. No. 24), is **DENIED**.

Signed: May 2, 2017



Robert J. Conrad, Jr.  
United States District Judge

